

### Amendments to the Specification

Please replace the previously-amended title of the invention with the following rewritten title:

PLUM TREE NAMED ~~'SWEET-BOGENVILLE'~~ 'HONEYSWEET'

Please replace the previously-amended paragraph at page 1, lines 3-7, with the following rewritten paragraph:

The present invention relates to a new and distinct variety of plum tree (*Prunus domestica* L.) which is named ~~'Sweet Bogenville'~~ 'HoneySweet', in particular to a plum tree having the plum pox virus (PPV) coat protein gene which imparts a high level of resistance to infection by PPV.

Please replace the previously-amended paragraph at page 3, lines 1-11, with the following rewritten paragraph:

While the female (seed) parent of ~~'Sweet Bogenville'~~ 'HoneySweet' is 'Bluebyrd', the pollen source (male parent) is unknown. The new variety is distinct from its seed parent by its fruit quality, earlier ripening date (about 1 week earlier) and by the presence of the PPV coat protein, NPTII and GUS transgenes

and by its high level of resistance to PPV. Since, at the time of the invention, no other plum tree contained these genes either singly or jointly, the pollen parent could not have contributed any of them, thus the new variety is also distinct from its pollen parent. Plum pox virus resistance is described in Ravelonandro et al. (1997. *Plant Disease*. vol. 81, pp. 1231-1235).

Please replace the previously-amended paragraphs at page 5, lines 15-18, with the following rewritten paragraphs:

Figure 1 is a color photograph showing fruit and leaves of the new plum variety ~~'Sweet Bogenville'~~ 'HoneySweet' at maturity.

Figure 2 is a color photograph of the tree of the new plum variety ~~'Sweet Bogenville'~~ 'HoneySweet'.

Please replace the previously-amended paragraph at page 6, lines 10-16, with the following rewritten paragraph:

*Tree:*

Size. - ~~Large, height~~ Height 4.9 m, canopy width 2.7 m at 7-yr growth in the field.

Vigor. - Vigorous; current season shoot length in 8-yr trees  
- 41.3 cm.

Growth. - Upright; branch angles from main limbs - 54°.

Density. - Medium dense to dense.

Productivity. - Productive; 14.4 kg/tree in 8-yr trees.

Bearing. - Regular; no tendency towards alternate bearing.

Please replace the previously-amended paragraph at page 6, lines 17-19, with the following rewritten paragraph:

*Trunk:*

Size. - Moderate to large; diameter 16.5 cm at 15-20 cm above ground level; circumference 51.3 cm at 15-20 cm above ground level.

Color. - ~~Grayed-green ranging~~ Ranging from RHS 197 A to D.

Please replace the previously-amended paragraph at page 6, line 20, to page 7, line 4, with the following rewritten paragraph:

*Branches:*

Size. - Medium; average diameter of 1-yr branches - 3.9 mm,  
2-yr branches - 4.6 mm.

Texture. - Smooth to medium rough.

Spur development. - Moderate; 0.44 spurs/cm on 2-yr  
branches; length - 5-7 mm.

Color. - ~~Blue, with~~ With wax bloom, ranging from RHS 91B to  
97B; [[,]] with wax bloom removed, ranging from RHS 103A  
to RHS N186A.

Lenticels. - In 5-6-yr branches, 5 mm long, 2/cm<sup>2</sup>; RNS 167C.

Please replace the previously-amended paragraph at page 7,  
lines 5-14, with the following rewritten paragraph:

*Leaves:*

Size. - Average length 92 mm, average width 45 mm.

Texture. - ~~Smooth~~ Glabrous to somewhat rough.

Thickness. - Medium to thick; average thickness 0.42 mm.

Glands. - Two, small, round; average width 0.44 mm, length  
0.52 mm; RHS 137B.

Margin. - Dentate.

Form. - Obovate-pointed.

Petiole. - Medium length, medium thickness with average  
length 11.8 mm, width 1.4 mm, thickness 1.3 mm; ~~color~~  
~~green~~ RHS 137B.

Color. - Upper (adaxial) surface - ~~green~~ RHS 139A; lower  
(abaxial) surface - ~~green~~ ranging from RHS 137 B to C.

Please replace the previously-amended paragraph at page 7,  
lines 15-19, with the following rewritten paragraph:

*Flowers:*

Bloom period. - Variable depending on weather, late March to mid-April in the Eastern Panhandle of West Virginia.

Color. - White.

Pollen. - Present; RHS 11A.

Filament. - Average length 7.7 mm; RHS 155D.

Pedicel. - Average length 8.8 mm.

Pistil. - Average length 10.9 mm.

Petal. - Average size 6.9 mm x 9.6 mm.

Anther. - RHS 13A.

Sepal. - RHS 143C.

Style. - RHS 137B.

Description. - Complete, perfect, perigynous; five sepals form hypanthium cup averaging 3.1 mm height and 3.7 mm diameter; 5 white petals attached to hypanthium; stamens - averaging 15/flower, attached to interior of hypanthium at or below the rim of hypanthium cup; pistil - superior, averaging 10.9 mm long; stigma - round, averaging 0.86 mm diameter; style - averaging 7.5 mm long and 0.4 mm diameter; ovary - averaging 2.5 mm height and 1.6 mm diameter; no detectable scent.

Please replace the paragraph at page 8, lines 9-18, with the following rewritten paragraph:

*Fruit:*

Maturity when described. - ~~Firm, ripe, harvested on August 16, 2001~~ Shipping ripe-eating ripe.

Average date of harvest. - Mid August to early September in Kearneysville, WV.

Size. - Medium to large; average size is 43 mm transverse diameter at right angles to the suture plane x 45 mm transverse diameter in the suture plane x 52 mm axial diameter; average weight is 60 grams.

Use. - Dessert.

Please replace the previously-amended paragraph at page 8, lines 9-18 with the following rewritten paragraph:

*Flesh:*

Ripens. - Evenly.

Texture. - Firm.

Fibers. - Small, few, tender.

Juice. - Moderate at eating-ripe.

Aroma. - Moderate.

Flavor. - Very good.

Eating quality. - Sweet, excellent; brix of ripe fruit averages 21.5° depending on maturity at harvest.

Color. - ~~Yellow ranging~~ Ranging from RHS 6 A to C to

RHS151A, depending on stage of ripeness.

Pit cavity, - Color same as flesh color.

Please replace the paragraph at page 8, line 19, to page 9, line 2, with the following rewritten paragraph:

*Skin:*

Thickness. - Medium.

Tendency to crack. - None.

Color. - ~~Blue, with~~ With wax bloom, ranging from RHS 91B to 97B[[,]]; with wax bloom removed ranging from RHS 103A to RHS N186A.

Please replace the paragraph at page 9, lines 3-9, with the following rewritten paragraph:

*Stone:*

Type. - Freestone, slight cling.

Size. - Medium; average length 27 mm, average width 17 mm,  
average thickness 10 mm.

Form. - Ovate/asymmetrical.

Tendency to split. - None.

Color. - ~~Grayed-orange~~ RHS 165C.

Please replace the paragraph at page 9, lines 10-13, with the following rewritten paragraph:

~~Use:~~ Market. - ~~local~~ Local and long distance for fresh markets.

The plum tree and its fruit described herein may vary slightly in detail due to climate, soil conditions and cultural practices under which the variety may be grown.

Please replace the previously-amended ABSTRACT on page 11 with the following rewritten ABSTRACT:

#### ABSTRACT

A new and distinct variety of plum is transgenic and is characterized by the presence of the plum pox virus coat protein gene and genes for kanamycin resistance (NPTII) and  $\beta$ -glucuronidase (GUS). The plum pox virus coat protein transgene imparts a high level of resistance to plum pox virus. In field tests, ~~'Sweet-Bogenville'~~ 'HoneySweet' has been shown to be immune to transmission of plum pox virus by the natural aphid vectors present at the field test site. When ~~'Sweet-Bogenville'~~ 'HoneySweet' is bud-graft inoculated with plum pox virus, it supports only a very low level of virus and is symptomless or shows only transient, very mild symptoms. Fruit of ~~'Sweet~~



~~Bogenville~~ 'HoneySweet' is large and sweet, firm and attractive.  
The tree is productive vigorous, with an upright growth habit.